

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2018

By: Senator(s) Fillingane

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2675

1 AN ACT TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF CHILD PROTECTION
3 SERVICES SHALL BE A SUBAGENCY WITHIN THE MISSISSIPPI DEPARTMENT OF
4 HUMAN SERVICES AND TO PROVIDE THAT THE COMMISSIONER OF THE
5 DEPARTMENT OF CHILD PROTECTION SERVICES SHALL MAINTAIN OPERATIONAL
6 CONTROL OVER THE FUNCTIONS OF THE DEPARTMENT OF CHILD PROTECTION
7 SERVICES; AND FOR RELATED PURPOSES.

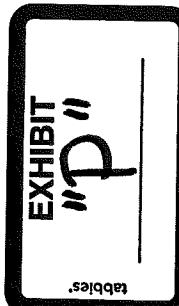
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 43-26-1, Mississippi Code of 1972, is
10 amended as follows:

11 43-26-1. (1) There is hereby created a Mississippi
12 Department of Child Protection Services.

13 (2) The Chief Administrative Officer of the Department of
14 Child Protection Services shall be the Commissioner of Child
15 Protection Services who shall be appointed by the Governor with
16 the advice and consent of the Senate. The commissioner shall
17 possess the following qualifications:

18 (a) A bachelor's degree from an accredited institution
19 of higher learning and ten (10) years' experience in management,
20 public administration, finance or accounting; or



21 (b) A master's or doctoral degree from an accredited
22 institution of higher learning and five (5) years' experience in
23 management, public administration, finance, law or accounting.

24 (3) * * * The Department of Child Protection Services * * *
25 shall be a subagency independent of, though housed within, the
26 Mississippi Department of Human Services. The Commissioner of the
27 Department of Child Protection Services shall maintain complete
28 and exclusive operational control of the Department of Child
29 Protection Services' functions, except functions shared with the
30 Department of Human Services as provided in subsection (5)(c) and
31 (d) of this section.

32 (4) The Commissioner of Child Protection Services may assign
33 to the appropriate offices such powers and duties deemed
34 appropriate to carry out the lawful functions of the programs
35 transferred to the department under Chapter 494, Laws of
36 2016. * * *

37 (5) The Commissioner of Child Protection Services and the
38 Executive Director of the Department of Human Services shall
39 develop and implement a plan for the orderly establishment of the
40 Department of Child Protection Services and its transition from
41 the Office of Family and Children's Services of the Department of
42 Human Services. The plan shall:

43 (a) Describe a mechanism for the transfer of any
44 equipment, supplies, records, furnishings or other materials,
45 resources or funds dedicated to the operation of the Office of



46 Family and Children's Services of the Department of Human
47 Services, which may be useful to the Department of Child
48 Protection Services;

49 (b) Determine the allocation of resources between the
50 newly created Department of Child Protection Services and the
51 Department of Human Services, as practicable;

52 (c) Determine the allocation of functions where the
53 performance of services may be shared between the Department of
54 Child Protection Services and other employees of the Department of
55 Human Services, as practicable;

56 (d) Determine whether any administrative support
57 services, such as Information Technology Services, bookkeeping and
58 payroll, can continue to be provided by the Department of Human
59 Services; and

60 (e) Identify other areas deemed relevant by the
61 commissioner and make recommendations thereon to achieve an
62 orderly transition.

63 * * *

64 (6) * * * The programs and services provided by the Office
65 of Family and Children's Services of the Department of Human
66 Services under the following statutes shall be provided by the
67 Department of Child Protection Services: Sections 41-87-5,
68 41-111-1, 43-1-2, 43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3,
69 43-15-5, 43-15-6, 43-15-13, 43-15-15, 43-15-17, 43-15-19,
70 43-15-21, 43-15-23, 43-15-51, 43-15-103, 43-15-105, 43-15-115,



71 43-15-125, 43-15-201, 43-15-203, 43-15-207 and 43-18-3,
72 Mississippi Code of 1972.

73 (7) The PEER Committee shall review the programs or program
74 of the Mississippi Department of Child Protection Services,
75 beginning with fiscal year 2017 and each year thereafter. PEER
76 shall submit this review to the Chair of the Senate Public Health
77 and Welfare Committee, the Chair of the Senate Appropriations
78 Committee, the Chair of the House Public Health and Human Services
79 Committee, the Chair of the House Appropriations Committee, the
80 Lieutenant Governor, the Speaker of the House of Representatives,
81 and the Governor by December 1 of each year. The review shall
82 consist of the following:

83 (a) A review of the effectiveness of any program of the
84 department for which appropriated outcome measures have been
85 established;

86 (b) Caseloads for social workers for each county or
87 another appropriate geographic area;

88 (c) Turnover rates of social worker staff by county or
89 other geographic area;

90 (d) Sources and uses of department funding; and

91 (e) Any other matters that the PEER Committee considers
92 to be pertinent to the performance of agency programs.

93 **SECTION 2.** This act shall take effect and be in force from
94 and after its passage.

